

GONZALES V. GONZALES

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**IN THE MATTER OF THE ESTATE
OF GONZALO GONZALES, Deceased
MARCY GONZALES,
Petitioner-Appellee,
v.
MIGUEL GONZALES, et al.,
Respondents,
and
ARNOLD LAREZ,
Respondent-Appellant.**

No. 31,534

COURT OF APPEALS OF NEW MEXICO

July 25, 2012

APPEAL FROM THE DISTRICT COURT OF RIO ARriba COUNTY, Sarah M.
Singleton, District Judge

COUNSEL

B. Cullen Hallmark, Santa Fe, NM, for Appellee

Arnold Larez, Dexter, NM, Pro Se Appellant

JUDGES

MICHAEL E. VIGIL, Judge. WE CONCUR: CELIA FOY CASTILLO, Chief Judge,
CYNTHIA A. FRY, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Judge.

Appellant Arnold Larez (Larez) appeals from the district court's dismissal of his claims for wages and personal property and determination that his claims are barred by collateral estoppel and res judicata. [RP Vol.13/2543, 2575] Our notice proposed to affirm and Larez filed a memorandum in opposition. We remain unpersuaded by Larez's arguments and therefore affirm.

In response to our notice, Larez states that he and his attorney were not properly included in the court session that preceded entry of the July 8, 2011 order. [MIO 1] This information does not change our view—as detailed in our notice—that the district court properly ruled that Larez's claims were barred because of the preclusive effect of prior proceedings and failure to comply with the time limits for presenting claims which arise after the death of a decedent. We further acknowledge Larez' argument that his motion for reconsideration (motion) [RP Vol.13/2457] of the April 1, 2011 order dismissing the claims [RP Vol.13/2543] was timely filed. [MIO 1-2] For reasons detailed in our notice, we view his motion as a Rule 1-060(B)(2) NMRA motion and conclude that the district court properly denied Larez's requested relief.

For reasons set forth herein and in our notice, we affirm.

IT IS SO ORDERED.

MICHAEL E. VIGIL, Judge

WE CONCUR:

CELIA FOY CASTILLO, Chief Judge

CYNTHIA A. FRY, Judge